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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,661	04/12/2000	William T. Rowse	200-0053	5848

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/547,661	<b>Applicant(s)</b> ROWSE ET AL.	
	<b>Examiner</b> Jonathan Ouellette	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-14,38,40 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-14,38,40 and 42-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Claims 1, 4, 5, 7-14, 38, 40 and 42-45 are currently pending in application 09/547,661.

### *Claim Rejections - 35 USC § 102*

2. The rejection of Claims 1, 5, 40, and 43-45 under 35 U.S.C. 102(e) as being anticipated by Chainer (US 6,397,344 B1) is withdrawn due to Applicant's amendments.
3. The rejection of Claims 1 and 40 under 35 U.S.C. 102(e) as being anticipated by Bunte et al. (US 6,330,975 B1) is withdrawn due to Applicant's amendments.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al. (US 6,330,975 B1) in view of Xactware ([www.xactware.com](http://www.xactware.com), retrieved from the Internet Archive Wayback Machine <[www.archive.com](http://www.archive.com)>, 6/29/1998).
6. As per independent Claim 1, Bunte discloses a system for processing a product concern, the system comprising: a service station having a first computer and a removable

integrated digital camera and scanner unit for capturing digital information including on or more photographs and identifying indicia related to the product concern (photo image capture and coded image capture, C1 L31-42), wherein the captured digital information is automatically transmitted from the integrated digital camera and scanner unit to the first computer upon placing the integrated digital camera and scanner unit in electrical communication with the first computer with the service station (terminal or host unit, C3 L7-17); a reviewer station having a second computer for receiving the captured digital information from the service station and for determining how to address the product concern (Central Location/remote location, C3 L42-51, C5 L50-53); and a communication port for connecting the first computer at the service station with the second computer at the reviewer station for transmitting information related to the product concern including the captured digital information (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

7. Bunte fails to expressly disclose wherein the first computer being configured to generate a claim approval request screen for receiving and displaying the digital information and identifying indicia related to the product concern.
8. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).
9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the first computer being configured to

generate a claim approval request screen for receiving and displaying the digital information and identifying indicia related to the product concern, as disclosed by Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.

10. As per Claim 4, Bunte and Xactware do not expressly show wherein the at least one identifying indicia is a vehicle number.
11. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of the type of indicia used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the vehicle identification number as the identifying indicia, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
13. Bunte and Xactware also fail to expressly disclose wherein the claim approval request screen for receiving and displaying the identifying indicia includes a dialog portion for carrying on a dialog with the second computer.

14. However, Official Notice is given that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.
15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the claim approval request screen for receiving and displaying the identifying indicia includes a dialog portion for carrying on a dialog with the second computer, as disclosed by Official Notice, in the system disclosed by Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.
16. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Chainer (US 6,397,334 B1).**
17. As per Claim 5, Chainer discloses wherein the at least one identifying indicia is watermarked onto the one or more photographs.
18. However, Chainer discloses watermarking an identifier onto the at least one digital image (C4 L49-52).
19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included watermarking an identifier onto the at least one digital image as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing and *uniquely* tracking a multitude of product concerns.

20. **Claims 7-9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Xactware, and further in view of in view of Bradbury.**
21. As per Claim 7, Bunte and Xactware fail to expressly disclose wherein the service station comprises a housing having a base and a base cover.
22. Bradbury teaches a system comprising: a housing having a removable service computer for receiving data indicative of a product concern (Abstract, C2 L3-43, C7 L53-59, C9 L22-23, Fig.1, Fig.9).
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the service station comprises a housing having a base and a base cover, as disclosed by Bradbury, in the system disclosed by Xactware, in the system disclosed by Bunte, for the advantage of providing a system for processing a customer product concern with the ability to improve system protection/effectiveness, by supplying a secure environment for portable system components.
24. As per Claim 8, Bunte, Xactware, and *Bradbury* disclose wherein the base comprises a first recessed portion for receiving a computer.
25. As per Claim 9, Bunte, Xactware, and *Bradbury* disclose wherein the base further comprises a second recessed portion for receiving the integrated digital camera and scanner unit.
26. As per Claim 13, Bunte, Xactware, and *Bradbury* disclose wherein the service station (housing) comprises a power supply for providing electrical power to the integrated digital camera and scanner unit.

27. As per Claim 14, Bunte, Xactware, and *Bradbury* disclose wherein the service station (housing) comprises a battery charger for charging a battery included in the integrated digital camera and scanner unit for providing electrical power to same.
28. **Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte, in view of Xactware, in view of Bradbury, and further in view of Harvey (US 6,208,507 B1).**
29. As per Claim 10, Bunte, Xactware, and Bradbury fail to expressly disclose wherein the second recessed portion further comprises a plurality of terminals for contacting a plurality of terminals on the integrated digital camera and scanner unit.
30. Harvey teaches a plurality of terminals for contacting a plurality of camera terminals on the digital camera assembly (Abstract, C1 L60-67, C2 L1-3, C2 L48-58, Fig.3, Fig.6).
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of terminals for contacting a plurality of plurality of terminals on the integrated digital camera and scanner unit, as disclosed by Harvey, in the system disclosed by Bradbury, in the system disclosed by Chainer, for the advantage of providing a system for processing a customer concern with an interconnectable portable service station.
32. As per Claim 11, Bunte, Xactware, Bradbury and Harvey disclose wherein the plurality of terminals comprises a first set of terminals for communication with a first set of terminals for charging the integrated digital camera and scanner unit.
33. As per Claim 12, Bunte, Xactware, Bradbury and Harvey disclose wherein the plurality of terminals further comprises a second set of terminals for communication with a second



set of terminals for transmitting data between integrated digital camera and scanner unit and the first computer.

**34. Claim 38 is rejected under 35 U.S.C. 103 as being unpatentable over Bunte in view of Xactware.**

35. As per Claim 38, Chainer does not expressly show wherein the product concern involves a warranty concern related to a vehicle.

36. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of what the warranty concern related to. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a warranty concern related to a vehicle, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

**38. Claims 40 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte, in view of Chainer (US 6,397,344 B1) in view of Bradbury (US 5,442,512).**

39. As per **independent Claim 40**, Bunte discloses a system for evaluating a product concern during a real-time communication session, the system comprising: a first computer device for receiving information related to a product concern (terminal or host unit, C3 L7-17); an integrated digital camera (photo image capture, C1 L31-42) and product identification

device (coded image capture, C1 L31-42) for capturing at least one image and an identification for the vehicle, respectively relating to the product concern; and a second computer device for receiving the information, the at least one image and the identifier via a communication network for evaluation of the product concern during a real-time communication session (Central Location/remote location, C3 L42-51, C5 L50-53; C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

40. Bunte fails to expressly disclose a vehicle warranty concern.
41. Chainer discloses processing automotive insurance inquiries through the use of an image/identification system (C1 L10-15); and while Chainer does not expressly disclose using the system for a vehicle warranty concern, it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this group, as it would be a common form of product investigation.
42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing a vehicle warranty concern, as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing a multitude of concerns, in order to increase the system customer base.
43. Bunte and Chainer fail to expressly disclose wherein the first computer being configured to generate a claim approval request screen for receiving and displaying information and identifying indicia related to the vehicle warranty concern.
44. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the

agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the first computer being configured to generate a claim approval request screen for receiving and displaying information and identifying indicia related to the vehicle warranty concern, as disclosed by Xactware, in the system disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.
46. As per Claim 42, Bunte, Chainer, and Xactware do not expressly show wherein the at least one identifying indicia is a vehicle identification number
47. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of the type of indicia used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the vehicle identification number as the identifying indicia, because such data does not functionally relate to the steps in the method claimed

and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

49. Bunte, Chainer, and Xactware also fail to expressly disclose wherein the claim approval request screen for receiving and displaying the identifying indicia includes a dialog portion for carrying on a dialog with the second computer.
50. However, Official Notice is given that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.
51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the claim approval request screen for receiving and displaying the identifying indicia includes a dialog portion for carrying on a dialog with the second computer, as disclosed by Official Notice, in the system disclosed by Xactware, in the system disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.
52. As per Claim 43, Bunte, Chainer, and Xactware disclose wherein the identification device is a barcode scanner.
53. As per Claim 44, Bunte, Chainer, and Xactware disclose wherein the identifier is watermarked onto the at least one image.
54. As per Claim 45, Bunte, Chainer, and Xactware disclose wherein communication between one or more of the devices is via one or more cables.

***Response to Arguments***

55. Applicant's arguments with respect to Claims 1, 4, 5, 7-14, 38, 40 and 42-45 have been considered but are moot in view of the new ground(s) of rejection.
56. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
57. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

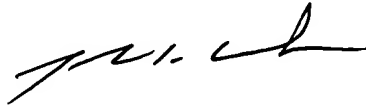
***Conclusion***

58. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

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59. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
60. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

jo  
October 19, 2005

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
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